UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,998	11/26/2003	Hirotsugu Okura	65933-053	6542

7590 · 06/13/2007

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EXAMINER
BOKHARI, SYED M

ART UNIT	PAPER NUMBER
2609	

MAIL DATE	DELIVERY MODE
06/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

		Application No.	Applicant(s)
Office Action Summary		10/721,998	OKURA, HIROTSUGU
		Examiner	**Art Unit**	
		Syed Bokhari	2609	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

DANG T. TON
SUPERVISORY PATENT EXAMINER

Status

1) ☒ Responsive to communication(s) filed on *26 November 2003*.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-16* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1,5,11 and 14* is/are rejected.
7) ☒ Claim(s) *2-4, 6-10, 12, 13, 15 and 16* is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All   b) ☐ Some * c) ☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *See Continuation Sheet*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :01/10/2007, 12/08/2005 and 11/26/2003.

DETAILED ACTION

Priority

1.   Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e)

or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. Applicant has not complied

with one or more conditions for receiving the benefit of an earlier filing date under 35

U.S.C. 119 (a-d) as follows:

The applicant has not provided a certified English translation.

Claim Objections

2.   Claim 8 and 10 are objected to under 37 CFR 1.75 because of the following

informalities:

For claim 8 line 6, the occurrence of "a packet processing" refers back to "a packet

processing" previously cited in lines 10-11 of claim 5, if it is true, it is suggested to

applicant to change "a packet processing" to --the packet processing--.

For claim 10 line 2, the occurrence of "an individual program"

should be changed to --the individual program--.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

4.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

5.   Claim1 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kato et al. (US 2005/0074022 A1) and in view of Fritsch (US 2002/0124258 A1).

For claim 1, Kato et al. discloses a packet transmission apparatus comprising

(see paragraph 0155 lines 1-3 page 10 in Best Mode for Carrying out the

Invention); an extraction unit which extracts information from a stream packet to

be sent to a terminal (see 0157 lines 9-12 and paragraph 0159 lines 1-4 page 10

in Best Mode for Carrying out the Invention); which indicates a location where an

individual program for performing a specific process on the stream is stored (see

paragraph 0156 lines 8-13 on page 10 in Best Mode for Carrying out the

Invention); a download unit which downloads the individual program from the

location (see paragraph 0156 lines 1-13 on page 10 in Best Mode for carrying out

the Invention) and an execution unit which executes the individual program by

incorporating the individual program into a packet processing on the stream (see

paragraph 0161 lines 1-7 page 10 in Best Mode for Carrying out the Invention).

Kato et al. discloses all the subject mater of the claimed invention with the

exception of a storage, which stores the downloaded individual program. Fritsch

from the same or similar field of endeavor teaches of a storage, which stores the

downloaded individual program (see paragraph 0034 lines 1-14 page 3 in

Detailed Description of the Invention). It would have been obvious to one of

ordinary skill in the art at the time of invention was made to use of the same

storage which stores the downloaded individual program as taught by Fritsch in

the communication system of Kato et al. A storage, which stores the downloaded

individual program as taught by Fritsch can be modified/implemented in the

communication arrangement of Kato et al. by adding the buffer/storage unit in the

transmitting unit of data transmitting apparatus. The buffer unit will store the

down load programs after the packetization process in the transmit unit before

sending to terminal. The motivation for adding a buffer unit in the transmitting unit

is to store the downloaded individual programs that can be retrieved and

delivered to the terminals on requests received from the users.

For claim 11, Kato et al. discloses a program obtainment method comprising:

extracting information from a stream packet to be sent to a terminal (see

paragraph 0159 lines 1-4 page 10 in Best Mode for Carrying out the Invention);

which indicates a location where an individual program for performing a specific

process on the stream is stored (see paragraph 0156 lines 8-13 on page 10 in

Best Mode for Carrying out the Invention); and performing a packet processing

continuously by incorporating the individual program into the packet processing

once the download of the individual program is completed (see paragraph 0161

lines 1-7 page 10 in Best Mode for Carrying out the Invention). Kato et al.

discloses all the subject mater of the claimed invention with the exception of

performing a normal packet transmission processing on the stream while the

individual program is being downloaded from the location. Fritsch from the same

or similar field of endeavor teaches of performing a normal packet transmission

processing on the stream while the individual program is being downloaded from

the location (see paragraph 0012 lines 1-9 on page 1 in Summary of the

Invention). It would have been obvious to one of ordinary skill in the art at the

time of invention was made to use of the method of performing a normal packet

transmission processing on the stream while the individual program is being

downloaded from the location as taught by Fritsch in the communication system

of Kato et al. The method of performing a normal packet transmission processing

on the stream while the individual program is being downloaded from the location

as taught by Fritsch can be modified/implemented in the communication

arrangement of Kato et al. by incorporating the method enhancing the function of

the transmitting unit of data transmitting apparatus. The enhanced functionality

will enable the transmitting unit of downloading the data into the buffer while

performing the packet transmission process. The motivation of incorporating the

enhanced functionality in the transmitting unit of data transmitting apparatus is to

implement the method of downloading the data to the buffer while performing

packet transmission process in the transmit unit.

6.   Claim 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato et

al. (US 2005/0074022) in view of Adams (USP 6,378,130) and in view of Fritsch (US

2002/0124258 A1).

> For claim 5, Kato et al. discloses a packet transmission equipment (see
>
> paragraph 0155 lines 1-3 on page 10 in Best Mode for Carrying out the
>
> Invention); a download unit which searches and downloads an individual program
>
> suitable for the characteristic (see paragraph 0160 lines 1-7 on page 10 in Best
>
> Mode for carrying out the Invention); an execution unit which executes the
>
> individual program by incorporating the individual program into a packet
>
> processing on the stream (see paragraph 0161 lines 1-7 page 10 in Best Mode
>
> for Carrying out the Invention). Kato et al. discloses all the subject mater of the
>
> claimed invention with the exception of the two limitations (i) an extraction unit
>
> which extracts information from a stream packet to be sent to a terminal, which
>
> indicates a characteristic of the stream data and (ii) a storage which stores the
>
> downloaded individual program. For claim limitation (i), Adams from the same or
>
> similar field of endeavor teaches of an extraction unit, which extracts information
>
> from a stream packet to be sent to a terminal, which indicates a characteristic of
>
> the stream data (see column 11 lines 13-18 in Summary of the Invention). It
>
> would have been obvious to one of ordinary skill in the art at the time of invention
>
> was made to use of the same extraction unit, which extracts information from a
>
> stream packet to be sent to a terminal, which indicates a characteristic of the
>
> stream data as taught by Adams in the communication system of Kato et al. The

enhancement of programming of extraction unit in Reorganizing Unit for

extracting information from a stream packet to be sent to a terminal, which

indicates a characteristic of the stream data as taught by Fritsch can be

modified/implemented in the communication arrangement of Kato et al. by

enhancing the programming of Extraction Unit. The extraction unit will check

whether there is any program tag in the received packet. If there is a program

tag, the extraction unit will extract information on the storing location from the tag.

The motivation of enhancing the programming of extraction unit is to extract

information from a stream packet to be sent to a terminal, which indicates a

characteristic of the stream data. For claim limitation (ii), Fritsch from the same or

similar field of endeavor teaches of a storage, which stores the downloaded

individual program (see paragraph 0034 lines 1-14 page 3 in Detailed Description

of the Invention). It would have been obvious to one of ordinary skill in the art at

the time of invention was made to use of the same storage which stores the

downloaded individual program as taught by Fritsch in the communication

system of Kato et al. A storage, which stores the downloaded individual program

as taught by Fritsch can be modified/implemented in the communication

arrangement of Kato et al. by adding the buffer/storage unit in the transmitting

unit of data transmitting apparatus. The buffer unit will store the down load

programs after the packetization process in the transmit unit before sending to

terminal. The motivation for adding a buffer unit in the transmitting unit is to store

the downloaded individual programs that can be retrieved and delivered to the

terminals on requests received from the users.

7.   Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kato et

al. (US 2005/0074022) in view of Adams (USP 6,378,130).

   For claim 14, Kato et al. discloses performing a normal packet transmission

processing on the stream while the individual program suitable for the

characteristic is being downloaded (see paragraph 0156 lines 1-13 page 10 in

Best Mode for Carrying out the Invention) and performing a packet processing

continuously by incorporating the individual program into the packet processing

once the download of the individual program is completed (see paragraph 0161

lines 1-7 page 10 in Best Mode for Carrying out the Invention) and. Kato et al.

discloses all the subject mater of the claimed invention with the exception of a

program obtainment method comprising: extracting information from a stream

packet to be sent to a terminal, which indicates a characteristic of the stream

data. Adams from the same or similar field of endeavor teaches of the method of

extracting information from a stream packet to be sent to a terminal, which

indicates a characteristic of the stream data (see column 11 lines 13-18 in

Summary of the Invention). It would have been obvious to one of ordinary skill in

the art at the time of invention was made to use of the same method of extracting

information from a stream packet to be sent to a terminal, which indicates a

characteristic of the stream data as taught by Adams in the communication

system of Kato et al. The enhancement of programming of extraction unit in

Reorganizing Unit for extracting information from a stream packet to be sent to a

terminal, which indicates a characteristic of the stream data as taught by Fritsch

can be modified/implemented in the communication arrangement of Kato et al. by

enhancing the programming of extraction unit. The method will include of

checking program tag in the received packet and extracting of program tag

information on the storing location from the tag by extraction unit. The motivation

of enhancing the programming of extraction unit is to extract information from a

stream packet to be sent to a terminal, which indicates a characteristic of the

stream data.

Allowable Subject Matter

8.   Claims 2-4, 6-10, 21-13 and 15-16 objected to as being dependent upon a

rejected base claim, but would be allowable if rewritten in independent form including all

of the limitations of the base claim and any intervening claims.

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USP 6,529,515 B1 (Raz et al.), USP 5,886,693 (Ho et al.), USP 6,498,795 B1 (Zhang et al.), USP 6,167,253 (Farris et al.), USP 6,256,668 B1 (Slivka et al.), and USP 5,499,347 (Kuwabara et al.).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Bokhari whose telephone number is (571) 270-3115. The examiner can normally be reached on Monday though Friday from 7:30 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dang Ton can be reached on (571) 272-3171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DANG T. TON
SUPERVISORY PATENT EXAMINER